

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 9880 of 2007(A)

PETITIONER:

MRS.MOHANA BABURAJ,4/169,BALAJI NAGAR,
2ND STREET,PERIYAKALATHUVANCHERY,PARANI PUDUR,
AYYAPANTHANGAL,CHENNAI.

BY ADV. SRI.K.R.AVINASH

RESPONDENTS:

1. THE SOUTH INDIAN BANK,REGIONAL OFFICE,
SIB PLATINUM JUBILEE BUILDING,AYYANTHOLE,
THRISSUR-680 003.
2. THE RESERVE BANK OF INDIA,ZONAL OFFICE,
THIRUVANANTHAPURAM.

R1 BY SC SRI.K.PRABHAKARAN.

R2 BY SC SRI.P.JACOB VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.9880 of 2007

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Dated this the 27th day of March, 2007.

JUDGMENT

Having heard the learned counsel for the petitioner and the learned counsel for the Bank, I do not find any jurisdictional error or legal infirmity in the proceedings under the SARFAESI Act. The challenge fails. At this point of time, the learned counsel for the petitioner seeks indulgence to let the petitioner to pay off the entire outstandings in instalments.

2. Having regard to the totality of the facts and circumstances, this writ petition is disposed of directing that the petitioner will remit an amount of Rs.1,00,000/- on or before 30-3-2007 and the remaining outstandings in five equal monthly instalments, payable on or before the last working day of every month, commencing from April, 2007. If the petitioner fails to remit any of the instalments as aforesaid, the benefit of this judgment will stand recalled automatically and the respondents will be at liberty to forthwith proceed with distress action.

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**Thottathil B.Radhakrishnan,
Judge.**